

Regular Session, 2011

HOUSE BILL NO. 471

BY REPRESENTATIVE GUILLORY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

WATER/DRINKING WATER: Provides with respect to certain plumbing used to convey water for human consumption

1 AN ACT

2 To amend and reenact R.S. 40:1299.28 and to enact R.S. 40:1299.27.1, relative to lead-free  
3 pipes, fittings, fixtures, solder, or flux; to provide for the use, introduction into  
4 commerce, and sale of certain pipes, fittings, fixtures, solder, or flux; to require lead-  
5 free pipes, fittings, fixtures, solder, or flux; to provide for exclusions; to provide for  
6 labeling; to provide for definitions; to provide for the authority of the Department of  
7 Health and Hospitals; to provide for enforcement; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 40:1299.28 is hereby amended and reenacted and R.S. 40:1299.27.1  
10 is hereby enacted to read as follows:

11 §1299.27.1. Lead-free pipe, fitting, fixture, solder, or flux; exclusions; definitions

12 A. No person shall use any pipe, pipe or plumbing fitting or fixture, solder,  
13 or flux that is not lead free in the installation or repair of any public water system or  
14 any plumbing in a facility providing water for human consumption, except when  
15 necessary for the repair of leaded joints of cast iron pipes.

16 B.(1) No person shall introduce into commerce any pipe, pipe or plumbing  
17 fitting, or fixture intended to convey or dispense water for human consumption  
18 through drinking or cooking that is not lead free, including kitchen faucets, bathroom  
19 faucets, and any other end-use devices intended to convey or dispense water for  
20 human consumption through drinking or cooking.

1           (2) The provisions of this Subsection shall not apply to the following:

2           (a) Service saddles, backflow preventers for nonpotable services such as  
3           irrigation and industrial, and water distribution main gate valves that are two inches  
4           in diameter and above.

5           (b) Pipes, pipe or plumbing fittings, or fixtures that are used in  
6           manufacturing, industrial processing, for irrigation purposes, and any other uses  
7           where the water is not intended for human consumption through drinking or cooking.

8           C.(1) No person engaged in the business of selling plumbing supplies, except  
9           a manufacture, shall sell solder or flux that is not lead free.

10          (2) No person shall introduce into commerce any solder or flux that is lead  
11          free unless the solder or flux bears a prominent label stating that it is illegal to use  
12          the solder or flux in the installation or repair of any plumbing providing water for  
13          human consumption.

14          D.(1) Except as provided for in Paragraph (2) of this Subsection, for the  
15          purposes of this Section, "lead free" means not more than 0.2 percent lead when used  
16          with respect to solder and flux and not more than a weighted average of 0.25 percent  
17          when used with respect to the wetted surfaces of pipes and pipe fittings, plumbing  
18          fittings, and fixtures. The weighted average lead content of a pipe and pipe fitting,  
19          plumbing fitting, and fixture shall be calculated by using the following formula: The  
20          percentage of lead content within each component that comes into contact with water  
21          shall be multiplied by the percent of the total wetted surface of the entire pipe and  
22          pipe fitting, plumbing fitting, or fixture represented in each component containing  
23          lead. These percentages shall be added and the sum shall constitute the weighted  
24          average lead content of the pipe and pipe fitting, plumbing fitting, or fixture.

25          (2) For all purposes other than manufacturing, industrial processing, or to  
26          convey or dispense water for human consumption, "lead free", consistent with the  
27          requirements of federal law, means not more than 0.2 percent lead when used with  
28          respect to solder and flux and not more than eight percent when used with respect to  
29          pipes and pipe fittings. With respect to plumbing fittings and fixtures, "lead free"

1        means not more than four percent by dry weight, unless the department has adopted  
2        a standard, based on health effects, for the leaching of lead.

3                E. All pipe, pipe or plumbing fittings or fixtures, solder, or flux shall be  
4        certified by an independent American National Standards Institute (ANSI) accredited  
5        third party as being in compliance with this Section.

6                F. The Department of Health and Hospitals shall promulgate rules and  
7        regulations implementing the provisions of this Section.

8        §1299.28. Violations; enforcement

9                A. Any violation of R.S. 40:1299.26 ~~and R.S. 40:1299.27~~ , 1299.27, and  
10        1299.27.1 may be treated by any party as a violation of the state, municipal, or  
11        parochial health codes and all procedures and remedies applicable to such violations  
12        of said codes shall be available to correct, deter, or punish violations of said  
13        provisions. The district and appellate courts shall have jurisdiction to enforce the  
14        said provisions to the same extent that said courts have jurisdiction to enforce said  
15        codes.

16               B. All local health officers, health unit supervisors, or other code  
17        enforcement agencies shall enforce R.S. 40:1299.26 ~~and R.S. 40:1299.27~~ , 1299.27,  
18        and 1299.27.1 in the same manner and with the same authority as they may enforce  
19        the health code.

20               C. The state health officer shall have concurrent responsibility and authority  
21        to enforce R.S. 40:1299.26 ~~and R.S. 40:1299.27~~ , 1299.27, and 1299.27.1 and in so  
22        doing shall have available to him all powers and authority which shall be available  
23        to local health officers and health unit supervisors.

24               D. Violations of R.S. 40:1299.26 ~~and R.S. 40:1299.27~~ , 1299.27, and  
25        1299.27.1 shall be treated as emergency matters, and shall be given preference by  
26        enforcing agencies and speedy hearings by district and appellate courts.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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Guillory

HB No. 471

**Abstract:** Prohibits the use, installation or repair, introduction into commerce, or selling pipes, fittings, fixtures, solder, or flux that is not "lead free" when used for conveying water for human consumption.

Proposed law provides no person shall use any pipe, pipe or plumbing fitting or fixture, solder, or flux that is not lead free in the installation or repair of any public water system or any plumbing in a facility providing water for human consumption, except when necessary for the repair of leaded joints of cast iron pipes.

Proposed law provides no person shall introduce into commerce any pipe, pipe or plumbing fitting, or fixture intended to convey or dispense water for human consumption through drinking or cooking that is not lead free, including kitchen faucets, bathroom faucets, and any other end-use devices intended to convey or dispense water for human consumption through drinking or cooking. Proposed law provides for exclusions for nonpotable purposes.

Proposed law provides that no person engaged in the business of selling plumbing supplies, except a manufacture, shall sell solder or flux that is not lead free.

Proposed law provides that no person shall introduce into commerce any solder or flux that is lead free unless the solder or flux bears a prominent label stating that it is illegal to use the solder or flux in the installation or repair of any plumbing providing water for human consumption.

Proposed law defines "lead free".

Proposed law provides that all pipe, pipe or plumbing fittings or fixtures, solder, or flux shall be certified by an independent American National Standards Institute (ANSI) accredited third party as being in compliance with proposed law.

Proposed law requires the Dept of Health and Hospitals to promulgate rules and regulations implementing the provisions of this Section.

Present law provides for the enforcement of violations of provisions prohibiting use and sale of lead-based paint and the removal of lead-based paint in certain circumstances as health code violations by all local health officers, health unit supervisors concurrently with the state health officer. Such violations are treated as emergency matters.

Proposed law retains present law except adds violations of proposed law.

(Amends R.S. 40:1299.28; Adds R.S. 40:1299.27.1)